

Message Text

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USIA-15 SAM-01 NEA-10 TRSE-00 SAJ-01 OMB-01 ACDA-19

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DRAFTED BY L/EUR:HSRUSSELL:EUR/RPM:AFLOYD:EUR/RPM:RFROWIC

APPROVED BY EUR:WSTABLER

L/T - MR. BEVANS

EUR/EE - MR. BAKER

L - MR. SCHWEBEL

S/S - MR. GAMMON

EUR/CAN - MR. BROWN

C -MR. SONNENFELDT

EUR/RPM - MR. STREATOR

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P R 011816Z MAR 74

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INFO AMEMBASSY BONN

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S E C R E T STATE 041291

E.O. 11652: GDS

TAGS; PFOR

SUBJECT: CSCE: DECLARATION OF PRINCIPLES: INVIOABILITY
OF FRONTIERS

GENEVA FOR US CSCE DELEGATION

REF: A) GENEVA 1195; B) BONN 2086

1. MAJOR SOVIET GOAL IS TO TREAT FRONTIER INVIOABILITY

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AS AUTONOMOUS PRINCIPLE OF INTERSTATE RELATIONS, NOT

EXPLICITLY LINKED TO OTHER PRINCIPLES. HOWEVER, THIS HAS NOT BEEN AN ISSUE OF CENTRAL CONCERN TO USG, WHICH FAVORED COMPROMISE APPROACH AGREED UPON AT HELSINKI MPT. ACCORDINGLY, YOU SHOULD CONTINUE A SUBSTANTIALLY PASSIVE POSTURE ON THE QUESTION, LEAVING IT TO FRENCH AND OTHERS TO TAKE THE LEAD WITH SOVIETS IN BRIDGING DIFFERENCES OVER TREATMENT OF FRONTIER INVIOABILITY IN PRINCIPLES DECLARATION. FOLLOWING IS GUIDANCE ON SPECIAL PROBLEMS CITED REFTEL:

2. EXPLICIT LINK BETWEEN INVIOABILITY AND NON-USE OF FORCE. THOUGH IMPLICIT LINKAGE WOULD BE CONSISTENT WITH CERTAIN PRECEDENTS (E.G. FRG TREATY WITH USSR), AN EXPLICIT LINK IS CLEARLY UNACCEPTABLE TO THE SOVIETS. IT SHOULD BE RECALLED THAT FRG TRIED AT HELSINKI MPT TO OBTAIN EXPLICIT LINK, BUT EVENTUALLY AGREED TO TENUOUS, INDIRECT LINKAGE IN HELSINKI FINAL RECOMMENDATIONS. PRESUMABLY BONN

WOULD NOT WANT TO REOPEN THIS QUESTION. WE CONTINUE TO SUPPORT HELSINKI COMPROMISE AND YOU SHOULD THEREFORE NOT RPT NOT ADVOCATE EXPLICIT LINKAGE BETWEEN FRONTIER INVIOABILITY AND NON-USE OF FORCE.

3. FRENCH DRAFT DECLARATION STATEMENT THAT PARTICIPATING STATES REGARD FRONTIERS AS INVIOABLE "IRRESPECTIVE OF THE LEGAL STATUS WHICH THEY POSSESS" -- THIS REFERENCE IS HELPFUL IN COUNTERING ANY ARGUMENT THAT CSCE IS A SURROGATE PEACE TREATY, JEOPARDIZING THE CONTINUED EXISTENCE OF FOUR POWER RIGHTS, OR THAT USG HAS ABANDONED ITS LEGAL POSITION ON THE BALTIC STATES. HOWEVER, USG COULD ACCEPT A STATEMENT OF PRINCIPLES WHICH OMITTS SUCH A REFERENCE. DISCLAIMER RE EFFECT OF CONFERENCE ON FOUR POWER RIGHTS FILED AT BEGINNING OF GENEVA TALKS ESTABLISHES OUR POSITION ADEQUATELY FOR THIS PURPOSE. BALTIC STATES PROBLEM MAY HAVE TO BE DEALT WITH AT SOME LATER STAGE THROUGH SOME FORM OF DISCLAIMER, DEPENDING ON FINAL WORDING OF PRINCIPLE.

4. REFERENCE TO PEACEFUL CHANGE -- WE WOULD PREFER THAT DECLARATION CONTAIN A REFERENCE TO POSSIBILITY OF PEACEFUL CHANGES IN FRONTIERS. HOWEVER, WE SEE NO NEED FOR US TO

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SUGGEST, IN CSCE SESSIONS, THAT REFERENCE TO PEACEFUL CHANGE SHOULD APPEAR IN PARAGRAPH DEALING WITH FRONTIER INVIOABILITY -- A JUXTAPOSITION SOVIETS WOULD CERTAINLY OPPOSE. FRENCH SUGGESTION TO KOVALEV THAT SUCH REFERENCE MIGHT APPEAR IN PARAGRAPH ON PRINCIPLES OF SOVEREIGN EQUALITY, TERRITORIAL INTEGRITY OR PEACEFUL SETTLEMENT WOULD BE ACCEPTABLE. US DEL SHOULD THUS ENCOURAGE INTERESTED ALLIES TO TAKE THE LEAD IN WORKING OUT A COMPRO-

MISE ALONG THESE LINES.

5. RENUNCIATION OF TERRITORIAL CLAIMS -- WHILE ISSUES OUT-LINED PARAS 2-4 ARE NOT OF CENTRAL CONCERN TO US, WE CANNOT SUBSCRIBE TO LANGUAGE INCLUDED IN SOVIET DRAFT DECLARATION THAT WOULD HAVE PARTICIPATING STATES RENOUNCE ALL TERRITORIAL CLAIMS UPON EACH OTHER. SUCH A STATEMENT SHOULD NOT BE NECESSARY TO SATISFY SOVIET DESIRES FOR A "CRYSTAL CLEAR" PRINCIPLE OF FRONTIER INVIOABILITY AND WOULD CAST SERIOUS DOUBT ON THE STATUS OF US TERRITORIAL DISPUTES WITH CANADA. ACCORDINGLY, YOU MAY INDICATE, AS APPROPRIATE, OUR OPPOSITION TO SOVIET FORMULATION ON RENUNCIATION OF TERRITORIAL CLAIMS, WHILE LETTING EUROPEAN ALLIES TAKE THE LEAD IN THIS MATTER.

6. FINALLY, YOU MAY ALSO NOTE OUR PREFERENCE FOR ELIMINATION OF PROPOSED SOVIET FORMULA LIMITING INVIOABILITY

PRINCIPLE TO EUROPEAN FRONTIERS; THIS PRINCIPLE SHOULD APPLY EQUALLY TO ALL PARTICIPANTS, INCLUDING US AND CANADA. CASEY

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PEACE, CONTACTS WITH COMMUNIST OFFICIALS, BASKET III, NEGOTIATIONS, FOREIGN POLICY POSITION
Control Number: n/a
Copy: SINGLE
Draft Date: 01 MAR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE041291
Document Source: CORE
Document Unique ID: 00
Drafter: HSRUSSELL:EUR/RPM:AFLOYD:EUR/RPM:RFROWIC
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740374/aaaacqqf.tel
Line Count: 136
Locator: TEXT ON-LINE
Office: ORIGIN EUR
Original Classification: SECRET
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: SECRET
Previous Handling Restrictions: n/a
Reference: A) GENEVA 1195; B) BONN 2086
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags:
Review Date: 06 MAY 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <06 MAY 2002 by shawdg>; APPROVED <25-Sep-2002 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CSCE: DECLARATION OF PRINCIPLES: INVIOABILITY OF FRONTIERS
TAGS: PFOR, GE, UR, CSCE
To: GENEVA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005